



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Klein et al.

Application No.: 09/780,041

Filed: 02/09/2001

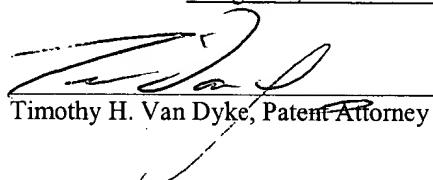
Title: HUMAN DISEASE MODELING
USING SOMATIC GENE TRANSFER

Docket No.: UF-10293

Examiner: Baker, Anne Marie

Group Art Unit: 1632

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on August 4, 2003


Timothy H. Van Dyke, Patent Attorney

Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL RESPONSE

Sir:

On June 3, 2003, the USPTO mailed an office action indicating that Applicants' amendment filed March 17, 2003 was incomplete. Upon conferring with the Examiner on this office action, the Examiner explained to the undersigned counsel that the office action was sent pursuant to new USPTO policy requiring the filing of a petition to accept color drawings before further examination will ensue. Applicants have decided to submit black and white replacement photographs to replace the originally filed color photographs. Replacement drawings for Figures 1-6 are attached hereto.

Furthermore, attached hereto is a Declaration of Ronald Klein, Ph.D (Klein Declaration). This declaration is provided to address remaining 112, first paragraph, issues. The Klein Declaration further demonstrates that Applicants were in full possession of, and enabled, the methods as claimed for producing rodent model systems. In particular, the expert opinions expressed by Dr. Klein, and the attached supporting data, show that the methods as claimed produce rat and mice model systems. Those

RECEIVED
AUG 1, 2003
TECH CENTER 1600/2300

skilled in the art would appreciate that the methods as claimed would produce rodent models without undue experimentation.

Applicants assert that the methods as claimed are enabled for higher animals as well. Exhibit C of the Klein Declaration shows that the methods were successfully carried out in marmosets to produce a neurodegenerative model. This notwithstanding, for purposes of expediting prosecution in the present application, Applicants have amended the claims in their March 17, 2003 Amendment to recite that methods are implemented to produce a 'rodent' model. Applicants fully reserve the right to pursue subject matter affected by the March 17, 2003 amendment in co-pending and/or later-filed continuation applications.

In addition, the Klein Declaration provides examples of other tau mutants known in the art to be associated with neurodegenerative problems. It must be noted that the methods as claimed involve the introduction of tau mutants other than P301L for purposes of producing model systems. The tau mutants described in the references provided and cited in Exhibit D of the Klein Declaration are provided as a small listing of the broad group of genes that could be used. These mutants and tau mutants yet unidentified could be used with the claimed methods, so long as the mutants have been shown in the art to be involved in or associated with neurodegenerative diseases.

All grounds for rejection or objection having been addressed and overcome herein, it is respectfully urged that this application is in condition for allowance. Should the Examiner be of the opinion that there remain valid grounds on which any of the claims as herein amended may be rejected, it is respectfully requested that the undersigned be accorded the courtesy of a telephonic interview to address and overcome any such remaining grounds for rejection.

Docket No. UF-10293
Application Serial No. 09/780,041

Respectfully submitted,



Timothy H. Van Dyke, Reg. No. 43218
Phone No.: 407-240-0085
Address: Van Dyke & Associates, P.A.
7200 Lake Ellenor Drive
Suite 252
Orlando, FL 32809